



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JUN 24 2010

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-133

CERTIFIED MAIL-7009 2250 0001 6624 4420
RETURN RECEIPT REQUESTED

WARNING LETTER

Arlyn Visser, Owner/Operator
Clearbrook Holsteins
9451 Swanson Road
Sumas, Washington 98295

Re: March 30, 2010, NPDES Compliance Inspection
NPDES Permit Number WAU000486

Dear Mr. Visser:

On March 30, 2010, the U.S. Environmental Protection Agency (EPA) inspected your facility to evaluate its compliance with the Clean Water Act. I would like to express my appreciation for your staff's time and cooperation during the inspection. At the time of inspection, the EPA inspector observed a couple areas of concern.

Nutrient Management Plan (NMP) Update: The inspector noted that you indicated your NMP has not been updated in the last eight years even though the solids separator added approximately two years ago has likely altered the waste characteristics of land applied waste and the waste handling system at your facility.

Silage Drainage from Leased Property: At the time of the inspection, the inspector saw drainage emanating from the south side of the silage bunker flowing down hill toward a drainage ditch that ultimately flows into Johnson Creek. This is a potential area of discharge and would need coverage under the NPDES permit.

The new Confined Animal Feeding Operation (CAFO) Rules state that "the owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges or proposes to discharge." Unless this area of potential discharge is permanently eliminated, your facility will need to seek coverage under a NPDES permit. Please follow up with Nora Mena, Washington State Department of Agriculture and Jon Jennings, Washington Department of Ecology for questions regarding your status as a CAFO and obtaining coverage under the Washington General CAFO Permit.

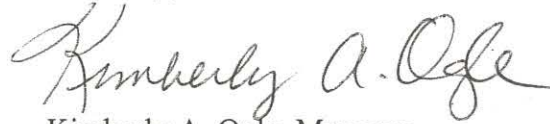


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Although our goal is to ensure facilities comply fully with the CWA, the ultimate responsibility rests with the facility. As such, I strongly encourage your company to continue its efforts to maintain full knowledge of its Permit requirements and the CWA and to take appropriate measures to ensure full compliance. If you have any questions concerning this matter, please call Steven Potokar, CAFO Enforcement Coordinator, at (206) 553-6354.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly A. Ogle".

Kimberly A. Ogle, Manager
NPDES Compliance Unit

cc: Nora Mena, Washington State Department of Agriculture
Kevin Fitzpatrick, Ecology
Richard Grout, Ecology-Bellingham Office
Kurt Niemeyer, Washington State Department of Agriculture